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U.S. Department of State

Turkey Country Report on Human Rights Practices for 1997

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TURKEY

Turkey is a constitutional republic with a multiparty parliament, the Grand National Assembly, which elects the President. It elected Suleyman Demirel as President in 1993. In June Necmettin Erbakan, leader of the Islamist Refah Party, resigned as Prime Minister after an intense private and public campaign against his Government led by the military, with significant support from other segments of civil society which view fundamentalism as a threat to the country's secular republic. In July Motherland Party (ANAP) leader Mesut Yilmaz became Prime Minister. He formed a coalition government with the Democratic Left Party (DSP) and the Democrat Turkey Party (DTP). The Government respects the Constitution's provisions for an independent judiciary.

For over a decade, Turkey has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal is a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1987, continues in six southeastern provinces facing substantial PKK terrorist violence. Parliament voted in October to lift the state of emergency in Bingol, Batman, and Bitlis provinces. A regional governor for the state of emergency has authority over the ordinary governors in the six provinces, and six adjacent ones, for security matters. The state of emergency allows him to exercise certain quasi-martial law powers, including restrictions on the press and removal from the area of persons whose activities are deemed detrimental to public order. The state of emergency decree was renewed for 4 months for all provinces in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (gendarmerie) carry out this function in the countryside. The armed forces continued to

combat the PKK in the state of emergency region, thereby taking on an internal security function. Although civilian and military authorities remain publicly committed to the rule of law and respect for human rights, some members of the security forces, particularly police "special teams," Jandarma, village guards, and TNP personnel, committed serious human rights abuses.

Turkey's primarily market-based economy is driven by an active private sector. The agricultural sector employs nearly one-half of the country's labor force but contributes only 15 percent of the gross national product (GNP) and total exports. A customs union with the European Union, in place since 1996, has boosted the trade deficit, but has the potential to increase the country's economic efficiency and prosperity over time. The principal industrial sectors--textiles, iron, and steel--provide the leading exports. Impressive economic growth over the past 15 years has translated into an improved standard of living and the creation of a growing middle class. Per capita GNP is approximately \$3,000. Such positive developments, however, have been accompanied by substantial macroeconomic imbalances. Successive governments have had little success in implementing needed reforms to reduce the budget deficit and inflation. Populist economic measures pushed the budget deficit to approximately 8 percent of GNP and pushed inflation over 90 percent. Persistently high inflation over the past decade has exacerbated disparities in income distribution. The conflict in the southeast and maintenance of a large national defense establishment continue to be a significant drain on the economy. Corruption has taken an economic toll and has sapped popular faith in the Government.

Despite some reforms and the Government's stated commitment to respect human rights, serious human rights abuses continued. Human rights nevertheless remained a priority public issue during the year. There is a general recognition that the country's human rights performance is inadequate and needs to be brought in line, not only with its international obligations and commitments, but also with popular aspirations and demands, and the Government's own policies.

The situation in the southeast remains a serious concern. The Government has long denied the Kurdish population, located largely in the southeast, basic political, cultural, and linguistic rights. As part of its fight against the PKK, the Government forcibly displaced noncombatants, failed to resolve extrajudicial killings, tortured civilians, and abridged freedom of expression. The PKK committed widespread including the frequent murder of noncombatants, as part of its terrorism against the Government and civilians, mostly Kurds.

Estimates of the total number of villagers forcibly evacuated from their homes since the conflict began vary widely from 330,000 to 2 million. A credible estimate given by a former Member of Parliament from the region is around 560,000. The Government's resettlement and compensation program for internally-displaced people remained. During the year, 61 villages and 7,608 persons were resettled, according to government figures.

Human rights abuses were not limited to the southeast. Extrajudicial killings, including deaths in detention, from the excessive use of force, "mystery killings," and disappearances continued. The Government investigated some 185 reported disappearance cases: 40 persons were found and reunited with their families, 7 were believed to be abroad, 96 relocated to other parts of the country, and 42 were unaccounted for.

Torture remained widespread: police and Jandarma antiterror personnel often abused detainees and employed torture during incommunicado detention and interrogation. The implementation of reforms to address these problems was uneven. Lengthy investigations and trials of officials suspected of abuses continued to be a problem. Important cases dating back to 1995 and 1996 continued without resolution, including: 48 police officers charged with the 1996 death of journalist Metin Goktepe; 10 police officers from Manisa, accused of torturing 15 people, mostly teenagers accused of ties to a leftist terrorist

organization; and police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996.

The rarity of convictions of police or other security officials for killings and torture fosters a climate of impunity that probably remains the single largest obstacle to reducing human rights abuses. The lack of immediate access to an attorney by those detained for political crimes is also a major factor in torture by police and security forces.

Prison conditions are poor. Numerous small-scale disturbances and hunger strikes erupted throughout the year. Prolonged pretrial detention and lengthy trials continued to be problems.

Limits on freedom of speech and of the press remained another serious problem. For example, according to the Human Rights Foundation, at year's end approximately 60 journalists were under arrest or had been convicted; the Committee to Protect Journalists (CPJ) reported that 40 journalists were imprisoned at year's end. Authorities banned or confiscated numerous publications, and a government decree has led to self-censorship of reporting on the southeast. One of the Yilmaz Government's first steps was to acknowledge the problem as a priority for resolution, when, 3 weeks after assuming office, he received a delegation from the CPJ, and subsequently won passage of legislation that provided conditional amnesty for several imprisoned editors. Nonetheless, the basic laws under which the editors were arrested did not change, and all were subject to reimposition of their former sentences if tried and convicted for similar offenses. The Government continued to use the 1991 Anti-Terror Law, with its broad and ambiguous definition of terrorism, to detain both alleged terrorists and others on the charge that their acts, words, or ideas constituted dissemination of separatist propaganda. Prosecutors also used Article 312 of the Criminal Code (incitement to racial or ethnic enmity), Article 159 (insulting the Parliament, army, republic, or judiciary), the law to protect Atatürk (no. 5816), and Article 16 of the Press Law to limit freedom of expression.

Kurdish-language broadcasts remained illegal (but not printed material in Kurdish). The Sanliurfa branch of the Mesopotamian Cultural Center, a corporation established to promote the Kurdish language and culture, was banned in October by the Provincial Governor. In Istanbul the Governor's office refused the Kurdish Culture and Research Foundation permission to offer Kurdish language classes. The translator and publisher of a Human Rights Watch report on the conflict in the southeast were convicted under Article 159 of the Penal Code (defaming the military). The translator received a suspended sentence; both were assessed small fines of approximately \$12 dollars. They appealed the verdict and are free pending its outcome. Private channel television programs and print media continued to debate human rights and other issues of freedom of speech and the press.

The Government imposes limits on freedom of assembly and association. In September the police detained and beat Turkish and foreign participants in the "Musa Anter peace train" demonstration, named after a well-known Kurdish writer. The group was blocked from entering Diyarbakir, where its members had intended to demonstrate for a peaceful resolution of the conflict in the southeast. Foreign participants were deported, and legal proceedings were brought against some of the local organizers. Members of the pro-Kurdish People's Democracy Party (HADEP) were sometimes the object of arbitrary arrests and mystery killings and often were harassed in the southeast for their legal political activities. HADEP, sympathetic to the PKK, is under threat of investigation for alleged activities and, depending upon the outcome, faces closure (two of its predecessors, HEP and DEP, were closed down).

In June the Refah/True Path Party (DYP) coalition, the country's first Islamist government, resigned after an intense private and public campaign of pressure led by the military with support from several segments of society who viewed "fundamentalism" to be a threat to the secular republic. In May before

the Refah/DYP coalition broke up, the chief state prosecutor, in an attempt to close down Refah, charged the Party and five of its leaders, including former Prime Minister Erbakan, with attempting to undermine the secular nature of the state as defined by the Constitution based in part on public statements made by Refah leaders. In January 1998 the court ordered the party closed and banned several of its leaders, including former Prime Minister Erbakan, from political activity for 5 years. The Democratic Mass Party (DKP), a moderate Kurdish party, faces the threat of closure in a case before the Constitutional Court on the grounds that its charter questions the indivisibility of the country and advocates support for a minority, namely the Kurds. In November the European Court of Human Rights (ECHR) found unanimously that the Government had violated Article 5-3 (excessive detention of 12 to 14 days) of the European convention on human rights in the case of several pro-Kurdish former Democracy Party (DEP) Members of Parliament (M.P.'s) and ordered the Government to pay the M.P.s' compensation and court costs. The ECHR did not rule on the M.P.s' appeal of their convictions on charges of separatism and membership in an armed gang.

In June the Ankara State Security Court found 32 members of HADEP, including party chairman Murat Bozlak, guilty on a variety of charges of proscribed political activity. Government officials continued to harass, intimidate, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. Seven regional offices of the Human Rights Association were shut down during the year; three remain closed. In May Dr. Tufan Kose, a representative of the Adana branch of the Human Rights Foundation (HRF), a respected nongovernmental organization (NGO), was convicted and fined for not turning over to the authorities the names of torture victims treated by the HRF's torture treatment center. He is free on appeal. The president of the Human Rights Association (HRA), along with other HRA organizers, faces charges of promoting separatism or inciting ethnic hatred based on speeches. The president of the HRF, the HRA president, and the leaders of two small political parties were charged with holding an unauthorized demonstration. A prominent Malatya defense attorney, who often defended alleged terrorists, was himself held and charged with assisting terrorist groups. After incarceration for 3 months, he was freed pending the outcome of his case.

The Government imposed some restrictions on religious minorities and Parliament passed legislation extending compulsory education from 5 to 8 years. This law will lead to the closure of grades six to eight of the Islamist imam-Hatip religious schools, along with other private schools. Spousal abuse, some abuse of children, and child labor remain serious problems. Discrimination against women persists.

In July Prime Minister Yilmaz appointed an activist State Minister for Human Rights, who also is coordinator for the High Council for Human Rights. The Council, comprised of undersecretaries from the Justice, Interior, Education, Health, and Foreign Affairs Ministries (along with representatives of the security forces), meets weekly to review aspects of the human rights situation and advise the Government on steps for improvement. The Minister and the Council have invited an active dialogue with the increasingly important NGO's that work for human rights reforms both in the capital and in the southeast.

The Government provides human rights training for the police and military. The military continued to emphasize human rights training for its officers and noncommissioned officers, which human rights NGO's reported led to a reduction in human rights violations. Human rights education in primary schools is mandatory; it is an elective in high schools. Senior military leaders met for the first time with international human rights NGO representatives.

PKK terrorists murdered noncombatants, targeting village officials, village guards, teachers, and other perceived representatives of the State. They also committed random murders in their effort to intimidate the populace.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Credible reports of political and extrajudicial killings by government authorities continued, although accurate figures were unavailable. The Documentation Center of the HRF reported a number of deaths of detainees under suspicious circumstances, some as an apparent result of torture. At least seven prisoners died in disturbances during which prison authorities apparently used excessive force, but one report attributed the deaths to the actions of other prisoners.(see Section 1.c.).

In response, the Government mounted serious investigations. The Office of the Minister for Human Rights reported that out of 41 persons whom the HRA alleges died in extrajudicial killings in the first 10 months of the year, investigations showed that 11 died in clashes with the police. In the cases of another 7 persons, the authorities arrested those responsible; 3 others were found to have died of natural, rather than violent, causes; 2 others were found to have been executed by individuals not connected with the security forces; and 2 more were found alive. The remaining allegations are still under investigation.

Human rights monitors remain greatly concerned about the 1996 Provincial Authority Law, which authorizes security forces to shoot to kill when challenging a suspect and grants provincial governors the power to declare a "state of emergency" and to call in security forces. This law was adopted in the wake of the Government's decision to lift incrementally the state of emergency in some provinces in the southeast. Many human rights monitors are concerned about the expanded authorities that this law extends to provincial governors.

Although government prosecution of reported perpetrators has increased, punishment remained poor. Police and other law enforcement personnel were occasionally arrested in cases of extrajudicial killings, but there were few known successful prosecutions. The Office of the Minister of Human Rights reports that judicial and administrative investigations were started in seven of the cases of extrajudicial killings alleged by the HRA for the first 10 months of the year. Little progress occurred in the trial of 48 police officers, including 3 senior officers and a deputy commissioner, for the 1996 death of Metin Goktepe, a correspondent for Evrensel newspaper, who died from wounds inflicted while in detention in Istanbul. Police initially denied that he had been detained, then later said that he died from a fall. Following large public demonstrations and parliamentary criticism over the circumstances of his death, an investigation led to the arrest of the officers. In May the courts decided to try separately 11 of the police officers for premeditated murder. Five officers remain under arrest; the others returned to duty pending the outcome of the trial. No progress was made in the trial of the other 37, who were charged with excessive use of force in controlling the demonstration.

The trial of 29 Jandarma soldiers and 36 antiterror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison disturbance in Diyarbakir continued (see Section 1.c.). An Adana criminal court acquitted 23 antiterror police officers of negligence in the killing of 5 people, including children aged 2 and 4, during a raid on a house in the town of Kucukdikili, outside of Adana. The number of prosecutions of security force members, while increasing, remained low.

The HRA and other human rights NGO's recorded several mystery killings in which the assailant's identity was unknown. It is widely alleged in the southeast that such killings occur with the complicity of security forces. Most of the reports pertain to the southeast, where some of the victims were leaders or prominent members of the Kurdish community, local politicians, or members of HADEP.

In 1996 a fatal car crash--known as the Susurluk incident--occurred involving: Abdullah Catli, an ultra rightwing militant wanted by Interpol on charges of murdering in 1980 seven university students who were members of the left-wing labor party; Huseyin Kocadag, a former Istanbul deputy police chief; Gonca Uz, a former beauty queen; and Sedat Bucak (the only survivor), an ethnic Kurdish M.P. and clan leader with an important stake in the Government's village guard program. Weapons and silencers were found in the car. The incident resurrected serious concerns about corruption and the abuse of power in the security forces. It also led to the resignation of the then-Interior Minister, Mehmet Agar, who had been linked to the victims of the accident. In February and the first part of March, a popular protest called "a minute of darkness" spread across the country as citizens turned off the lights in their households to protest the Susurluk incident and corruption. In May a parliamentary committee formed to investigate the incident concluded that links existed among politicians, police officials, and organized crime bosses. Although the Government affirmed its commitment to a full investigation, the report's lack of precision in drawing conclusions led to public criticism. The Refah Party chairman of the committee complained that he was denied access to many government documents on the grounds that they contained state secrets; at one point he accused the Speaker of the National Assembly of withdrawing documents concerning the role of the armed forces. The commander of the Jandarma refused to appear before the committee. The parliamentary investigation expired in April. In December Parliament lifted the immunity from criminal prosecution of now-opposition True Path Party M.P.'s Sedak Bucak and Mehmet Agar, an initiative supported by the Yilmaz Government. According to press accounts in January 1998, a report prepared by Prime Minister's Board of Inspectors linked the state's security forces under recent Governments to extrajudicial killings and mafia-like activities. The report has not been publicly released. In a television interview, Prime Minister Yilmaz committed himself to a full investigation of these events.

The case of eight police officers charged in the 1995 death of Sinan Demirtas, who died while in police custody, continued. The case of police officer Abdullah Bozkurt, charged with the 1994 murder of Vedat Han Gulsenoglu, also continues; Bozkurt was reassigned from Istanbul to Van. The 1993 case of the death in detention of Vakkas Dost continues; policeman Nurettin Ozturk, the accused murderer who disappeared after being freed, was found and rearrested in September.

Eleven police officers were acquitted in May in Adana of the 1992 killing of Remzi Basalak while he was under detention. The case continues before the Court of Appeals. The following cases remain unresolved: the 1992 case of Yucel Ozen, the 1994 killing of HEP party official Faik Candan, and the 1993 killing of journalist Ugur Mumcu.

The PKK continued to commit political and extrajudicial killings, primarily in rural southeast Anatolia. Political killings perpetrated by the PKK have included state officials (Jandarma, local mayors, imams, and schoolteachers), state-paid paramilitary village guards and their family members, young villagers who refused to be recruited, and PKK guerrillas-turned-informants. According to government statistics, as of November the PKK killed 667 people, including at least 130 unarmed civilians. The Government also reported that in 1997, approximately 260 soldiers and Jandarma, 12 police officers, 149 village guards, and 2,200 PKK members lost their lives.

Turkish Hizbullah, an Islamist Turkish terrorist group (not related to Lebanese Hizbullah), continued to target civilians in the southeast. According to the HRF, Hizbullah reportedly was responsible for at least four deaths in 1997. Four trials continued against 89 Hizbullah members charged with a total of 113 murders. In 1996 the Foreign Ministry stated that a case had been brought against Hizbullah for the murder of DEP parliamentarian Mehmet Sincar; human rights groups consider the case a mystery killing. Some human rights activists in the southeast believe that Turkish Hizbullah was founded by the Government in the 1980's to target the PKK and its sympathizers.

According to Human Rights Watch, Far-left armed groups, such as Revolutionary Left (Dev Sol/DHKP-C) and the Turkish Workers' and Peasants' Liberation Army (TIKKO), continued to commit abusive, violent acts. In May TIKKO members reportedly killed four civilians in Tokat. In September a radical Islamic group, Vasat, a splinter group of the Islamic Great Eastern Raiders Front (IBDA-C), killed 1 person and injured 24 others in a grenade attack at a book fair in Gaziantep. A total of 25 Vasat members were arrested for the attack. In October in a joint operation, PKK, DHKP/C, and TIKKO terrorists kidnapped three engineers, killing one and holding two as hostages in Giresun on the Black Sea.

b. Disappearance

Accurate statistics on disappearances of those previously under detention are hard to confirm; nonetheless, HRA figures indicate that such disappearances appear to have declined from a total of 194 in 1996 to 63 in 1997 (as of November). The Government has made a serious effort to investigate and explain reported cases of disappearance. Some persons disappeared after witnesses reported that security forces or law enforcement officials took them into custody. Fikri Ozgen, a 73-year-old, disappeared in Diyarbakir on February 27 when, according to numerous witnesses, he was taken into custody by plainclothes police. Later the same week, Ilyas Eren disappeared under similar circumstances in Diyarbakir. In a case reported by Amnesty International (AI), Burhan Aktus disappeared on October 22 when he was forced into a car by three men whom his mother believed were plainclothes police officers. On September 16, 1996, at least five bodies were found on the outskirts of the village of Baharli, near Diyarbakir. Some of the victims had reportedly been in police custody earlier in the month. The disappearances and deaths are under investigation; no one has been charged.

For more than 2 years, mothers who claim that immediate relatives have disappeared have gathered weekly in Istanbul. The Ministry of Interior operates a Missing Persons Bureau, which is open 24 hours a day and handled 185 cases as of November. Most families of the persons who disappeared hold the Government and security forces responsible and consequently avoided contact with the government office.

The Government, human rights organizations, and the media report that the PKK routinely kidnaps young men or threatens their families as part of its recruiting effort. PKK terrorists continued their abductions of local villagers, teachers, journalists, and officials in the southeast.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the Constitution's ban on torture, the Government's cooperation with unscheduled foreign inspection teams, and public pledges by successive governments to end the practice, torture continued to be widespread. The HRF's torture rehabilitation centers in Ankara, Izmir, Istanbul, and Adana reported 530 credible applications for treatment during the year. Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture during periods of incommunicado detention in police stations and Jandarma stations before they are brought before a court.

Government officials admit that torture occurs. Although they deny that torture is systematic, they explain its occurrence by stating that it is closely tied to the fight against terrorism. Many cases of torture, however, occur in western Turkey, outside the zone of conflict. Eight complaints of torture or mistreatment were filed with the Parliamentary Human Rights Commission during the year. In January the United Nations (U.N.) Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment reported that he continued to be concerned by the apparently widespread

practice of torture in Turkey. The Government has invited both the Special Rapporteur on torture and the working group on disappearances to visit the country.

In a particularly egregious case, two police officers were convicted in Adana of torturing Songul Yildiz, whom they had questioned on suspicion of PKK membership after a demonstration in March. In November the court convicted the two policemen of torture, but the judge imposed only a 1-year suspended sentence, and the two men were allowed to remain on the police force. The victim's lawyer has appealed the sentence.

According to Amnesty International, in March journalist Hatun Temizalp was detained for a week in the anti-terror branch Istanbul Police headquarters where she was subjected to various forms of torture and abuse (blindfolded interrogation, tied to and suspended from a wooden bar, and electric shocks). The State Forensic Medicine Institute issued a medical certificate detailing a fractured and dislocated shoulder blade, as well as signs of light blows. She was charged in a State Security Court where she complained of torture, despite police attempts to dissuade her through intimidation. She says that she requested access to a lawyer but that the request was denied. In November according to the Government, two police officers were convicted and sentenced to over 5 years in prison for torturing and eventually killing Ali Riza Aydogan while the latter was in custody at the Beyoglu police precinct in Istanbul in 1992.

In Istanbul five police officers from the antiterror division were indicted in criminal court, and accused of torturing Gulderen Baran and four other detainees in 1995 during an interrogation about their alleged membership in a terrorist organization. In May Gulderen Baran and one of her colleagues were found guilty as charged and sentenced to life imprisonment. Another was acquitted and the remaining two were sentenced to 12½ years in prison. Baran remains incarcerated at Istanbul's Bayrampasa prison pending her appeal. The timing of the police and Baran's trials precluded consideration that Baran's conviction may have been based on torture.

Human rights observers report that because the arresting officer is also responsible for interrogating the suspect, some officers may resort to torture to obtain a confession that would justify the arrest. Many detainees state that prosecutors ignore their claims of abuse during interrogation. Commonly employed methods of torture alleged by the HRF's torture treatment centers include: high-pressure cold water hoses, placing large ice blocks on the chest and stomach, electric shocks, beating on the soles of the feet, beating of genitalia, hanging by the arms, blindfolding, sleep deprivation, deprivation of clothing, systematic beatings, and vaginal and anal rape with truncheons and, in some instances, gun barrels. Other forms of torture were sexual abuse, submersion in cold water, use of truncheons, hanging sandbags on detainees' necks, forcing detainees to stand on one foot, releasing drops of water on detainees' heads, oxygen deprivation, sitting on detainees' laps, riding on their shoulders, and withholding food.

The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release. However, former detainees assert that some medical examinations took place too long after the event to reveal any definitive findings of torture. Members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in intimidation of both the detainee and the physician. Physicians responded to the coercion by refraining from examining detainees, performing cursory examinations and not reporting findings, or reporting physical findings but not drawing reasonable medical inferences that torture occurred. Turkish Medical Association officials reported that some police officers tore up reports that documented torture, demanding that a clean report be drawn up instead.

Credible sources in the human rights and legal communities estimate that judicial authorities investigate

very few of the formal complaints involving torture and prosecute only a fraction of those. Security personnel accused of violating human rights are held to a different standard than other citizens. The Anti-Terror Law provides that officials accused of torture or other mistreatment may continue to work while under investigation.

Special provincial administrative boards rather than regular courts decide whether to prosecute such cases. Suspects' legal fees are paid by their employing agencies. Under the state of emergency, any lawsuit directed at government authorities must be approved by the state of emergency governor. Approval is rare. These constraints contribute to the paucity of convictions for torture.

Under the Administrative Adjudication Law, an administrative investigation into an alleged torture case is conducted to determine if there is enough evidence to bring a law enforcement officer to trial. Under the Criminal Trials Procedure Law (CMUK), prosecutors are empowered to initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects. In cases where township security directors or Jandarma commanders are accused of torture, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges.

In March the CMUK was amended to grant immediate access by attorneys to those arrested for common crimes, and after 4 days of detention for those persons detained under the Anti-Terror Law or for other "security" crimes. Private attorneys and human rights monitors reported uneven implementation of these reforms, asserting that in some cases police officers would postdate the day of detention to comply with the new law (see Section 1.d.).

The trial continues of 10 police officers, including 2 superintendents, from Manisa (western Turkey) for allegedly torturing a group of 15 young people, mostly teenagers suspected of belonging to a leftist terrorist organization in 1995. The youths' trial ended in January, when the courts found 11 teenagers guilty of belonging to a terrorist organization, and acquitted 4 others. In May all 15 were acquitted on the separate charge of throwing a Molotov cocktail at a barber shop. Lawyers appealed the convictions. The timing of the police and teenagers' trials precluded consideration that the teenagers' confessions may have been based on torture. A judge in the case of the police officers--who remain on active duty--relieved them of their obligation to personally appear in the court room due to concern that such an appearance would compromise their undercover investigative work. Human rights attorneys complained that this ruling undermined the prosecution's case against the officers.

In September the European Court of Human Rights ruled against Turkey in the case of a woman from the town of Derik in the southeast, concluding that she had been tortured and raped by Jandarma and village guards while forcibly detained for 3 days in 1993 (see Section 1.e.). The Government was ordered to pay compensation and to reimburse the applicant's legal expenses.

Prison conditions remain poor. Juveniles and adults are incarcerated together and most prisons lack a medical health care program to provide routine and even urgent medical care. Families often must supplement the poor quality food. Prisons are run on the ward system. Prisoners, often those of the same ideological bent, are incarcerated together and indoctrinate and punish their own. Government efforts to reform prisons by adopting a cell system have been criticized by prisoners, attorneys, and human rights activists alike, who view the ward system as a more humane form of incarceration. Plagued by overcrowding, underfunding, and very poor administration, prisons periodically become the scene of explosive situations.

A total of at least seven prisoners were killed in two separate prison disturbances. In July six prisoners

were killed by other inmates during a prison disturbance at Istanbul's Metris prison. The disturbance reportedly originated with the killing of one prisoner; the other five were killed in the actual disturbance during which Jandarma and prison officials were videotaped using excessive force. According to a human rights NGO, forensic medicine reports revealed that all prisoners had been stabbed to death by homemade weapons. In August a disturbance in an Adana prison resulted in the death of a prisoner. The HRF noted that the prisoner reportedly died at the hands of other inmates.

Torture of convicted prisoners decreased, but security personnel continued to use excessive force in quieting disturbances. Small-scale hunger strikes to protest prison conditions, the proposed transfer to a cell system, and poor treatment by guards occurred at many institutions throughout the year.

Several monitoring groups, both domestic and international, carried out prison visits. The Government accepted unannounced visits by the Council of Europe's Committee for the Prevention of Torture (CPT) and is in regular dialog with the CPT. The International Committee of the Red Cross and the Government are discussing ICRC access to prisoners accused of PKK membership.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. To take a person into custody, a prosecutor must issue a detention order, except in limited circumstances such as when a person is caught committing a crime. The maximum detention period for those charged with common individual crimes is 24 hours. The detention period may be extended by a judge for a maximum of 7 days. Under the CMUK, detainees are entitled to immediate access to an attorney and may meet and confer with the attorney at any time. In practice, this degree of access continued.

In March parliament passed new legislation that reduced detention periods. Persons detained for individual crimes that fall under the Anti-Terror Law must be brought before a judge within 48 hours, while those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of 48 hours, extended for up to 4 days at a prosecutor's discretion and, with a judge's permission, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days. Private attorneys and human rights monitors reported uneven implementation of reforms that shortened pretrial detention periods of those charged under the Anti-Terror Law, asserting that some police officers postdate the day of detention to comply with the new law. Like their colleagues in Batman, defense lawyers in Diyarbakir reported that in spite of the new law, access to detainees in political cases remains difficult, even after the expiration of the initial 4-day detention period. Diyarbakir lawyers knew of only one case, as of September, in which access by attorneys to detainees was permitted and only then after repeated attempts and because of the high profile of the case.

No immediate access to an attorney is provided under the law for persons whose cases fall under the jurisdiction of the State Security Courts; these include those charged with smuggling and with crimes under the Anti-Terror Law. This lack of early access to an attorney is a major factor in the use of torture by police and security forces. The decision concerning early access to counsel in such cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that a significant number of suspects be detained indefinitely, sometimes for years. Many cases involve persons accused of violent crimes, but it is not uncommon for those accused of nonviolent political crimes to be kept in custody until the conclusion of their trials.

By law a detainee's next of kin must be notified "in the shortest time" after arrest, a requirement

observed in practice in criminal and civil cases. Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence.

The Government does not use forced external exile, but the Government retains the authority to authorize internal exile (see Section 2.d.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and in practice the courts generally act independently of the executive. The Constitution stipulates that judges be independent of the executive in the discharge of their duties and provides for security of tenure. The High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. The Constitution also prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power.

The judicial system is composed of general law courts, State Security Courts, and military courts. There is also a Constitutional Court. Most cases are prosecuted in the general law courts, which include the civil, administrative, and criminal courts. Appeals are heard either by the High Court of Appeals or the Council of State. Provincial administrative boards established under the Anti-Terror Law decide whether cases in which state officials are accused of misconduct should be heard in criminal court. Military courts, with their own appeals system, hear cases involving military law and members of the armed forces, and cases in which civilians are alleged to have impugned the honor of the armed forces or undermined compliance with the draft.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules. However, it may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

State Security Courts (SSC's) sit in eight cities. They are composed of panels of five members--two civilian judges, one military judge, and two prosecutors--and try defendants accused of crimes such as terrorism, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law such as "damaging the indivisible unity of the state." SSC verdicts may be appealed only to a specialized department of the High Court of Appeals dealing with crimes against state security. Prosecutors and judges vested with responsibility for SSC cases are often housed in military barracks in the southeast, expressly for their personal protection. According to a human rights monitor this arrangement subjects them to significant pressure in reviewing cases. The law gives prosecutors far-reaching authority to supervise the police during an investigation. However, according to Human Rights Watch, prosecutors seems to make little use of this power, especially in cases of security detainees.

In 1997 SSC's predominantly handled cases under the Anti-Terror Law and Section 312 of the Criminal Code. The Government claims that these courts were established to try efficiently those suspected of certain crimes. These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. The trial of 20 Diyarbakir lawyers charged in 1993 with acting as couriers for the PKK continues at the Diyarbakir SSC. All of the defendants remain free. In September nine Erzurum lawyers charged with similar crimes were acquitted.

Under the Constitution, defendants have the right to a public trial in a court of law. By law the bar

association must provide free counsel to indigents who make a request to the court. Bar associations in large cities, such as Istanbul, have attorneys on call 24 hours a day. Costs are borne by the Association. There is no jury system; all cases are decided by a judge or a panel of judges. Trials may last for months or years, with one or two hearings scheduled each month.

Defense lawyers generally have access to the public prosecutor's files after arraignment and prior to trial (a period of several weeks). In cases involving violations of the Anti-Terror Law and a few others, such as insulting the president or "defaming Turkish citizenship," defense attorneys may be denied access to files that the state asserts deal with national intelligence or security matters. Attorneys defending controversial cases occasionally face legal harassment. Hasan Dogan, a respected Malatya attorney, who frequently defends persons in SSC cases, was himself detained. He was charged in May under Article 169 of the Criminal Code for membership in an illegal organization on the basis of evidence supplied by a convicted prisoner cooperating with the authorities in the hope of receiving more favorable treatment. Dogan is free pending trial. Many lawyers who practice before SSC's contend that cases in which testimony provided by informers is used are difficult to challenge.

In law and in practice, the legal system does not discriminate against minorities. However, since legal proceedings are conducted solely in Turkish, and the quality of interpreters varies, some defendants whose native language is not Turkish may be seriously disadvantaged. There are still some laws in effect that discriminate against women.

Turkey recognizes the jurisdiction of the European Court of Human Rights and the European Commission of Human Rights. Citizens may file applications alleging violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms with the Commission. According to the Government, as of November a total of 29 cases have been brought before the Court, 13 of which remain pending. An amicable resolution was reached in 6 cases, the court ruled in Turkey's favor in 2 cases and against Turkey in 8 cases (see also Section 1.f.).

There is no reliable estimate of the number of political prisoners. The Government claims that most alleged political prisoners are in fact security detainees, convicted of being members of, or assisting, the PKK or other terrorist organizations. The number of people charged, suspected, or convicted of offenses under the Anti-Terror Law, according to government statistics, was as follows: during the first 10 months of 1996, 1,024 persons were in custody and an additional 1,943 were suspects not in custody related to offenses under the Anti-Terror Law (latest available statistics). Eighty were convicted through October 1996.

According to AI, Sevil Dalkilic, a lawyer, was detained in her hometown of Karman in March 1994, held in public custody in Ankara for 15 days, and severely tortured until she signed a statement implicating her in several bombing incidents. Convicted in the Ankara SSC of membership in a terrorist organization, employing explosives, and separatism based on "confessions extracted by the police," she was sentenced to 30 years in prison in 1995, even though she recanted her confession in court. A subsequent appeal confirmed the verdict.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication. With some exceptions, Government officials may enter a private residence or intercept or monitor private correspondence only upon issuance of a judicial warrant. These provisions are generally respected in practice outside the state of emergency region. A judge must decide whether to issue a search warrant for a residence. If delay may cause harm to the case, prosecutors and municipal

officers authorized to carry out prosecutors' instructions may conduct a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large. Other exceptions include persons under special observation by the Security Directorate General, places anyone can enter at night, places where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels.

In the six provinces under emergency rule, the regional state of emergency governor empowers security authorities to search without a warrant residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association asserts that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. A total of six provinces remain under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas and grants the provincial governor several extraordinary powers. Due to an improved security situation, the use of roadblocks in the southeast decreased; security officials periodically still search vehicles and travelers. Over the past 5 to 6 years security forces have evacuated thousands of villages and hamlets in the southeast to prevent villagers from giving aid and comfort to the PKK (see Section 1.g.). The Government claims that village evacuations occur as the consequence of pressures by and fear of the PKK and because security operations against the PKK in the region make continued occupancy unsafe. Security forces have confiscated citizens' satellite dishes in some parts of the southeast to prevent them from viewing pro-PKK broadcasts (see Section 2.a.).

g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

Since 1984 the separatist PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians, almost all of them Kurds, whom the PKK accuses of cooperating with the State. The TNP, Jandarma, village guards and the armed forces, in turn, have waged an intense campaign to suppress PKK terrorism, targeting active PKK units as well as persons they believe support or sympathize with the PKK. In the process, both government forces and PKK terrorists have committed human rights abuses against each other and noncombatants. According to the Government, from 1984 through November 1997, 26,532 PKK members, 5,185 security force members, and 5,209 civilians lost their lives in the fighting.

In an effort to deny the PKK logistical support, the Government rationed food and other essentials in the province of Tunceli, the village of Tepe, near Lice in Diyarbakir Province, and parts of Bingol Province, causing severe shortages and hardship among the population. Other than in Tunceli where the rationing has been ongoing for some time, implementation of food rationing elsewhere is sporadic or localized. According to local human rights monitors, Tepe was blockaded by the military for 2 months in reprisal for the PKK murder of a village guard.

In November the European Court of Human Rights found Turkey in violation of Article 8 (right to respect for home) in the case of three applicants whose homes were burned down by security forces in 1993. The Court attached particular weight to the fact that the public prosecutor did not carry out any meaningful investigation into the matter. The applicants were awarded court costs and expenses with damages to be determined at a future date.

Because so many villages have already been evacuated and because the fighting has now moved to mountains, government security forces evacuated and destroyed fewer villages than in previous years. According to the Government, only 4 villages and hamlets (settlements of 3 or 4 houses) and 970 persons were evacuated during the year. The Government's stated purpose was to protect civilians or prevent PKK guerrillas from obtaining logistical support from the inhabitants. Some villagers alleged

that the security forces evacuated them for refusing to participate in the paramilitary village guard system. Journalists and human rights monitors were not permitted to enter the village of Lice where there were reports of large-scale detentions of villagers by the Jandarma for refusal to become village guards.

The exact number of persons forcibly displaced from villages in the southeast since 1984 is unknown. Most estimates agree that 2,600 to 3,000 villages and hamlets have been depopulated. A few NGO's put the number of people forcibly displaced as high as 2 million. Official census figures for 1990--before large-scale forced evacuations began--indicate that the total population for the 10 southeastern provinces then under emergency rule was 4 to 4.5 million people, half of them in rural areas. Since all rural areas in the southeast have not been depopulated, the estimate of 2 million evacuees is probably too high. On the low end, the Government reports that through 1997 the total number of evacuees was 336,717. Rapidly growing demands for social services in the cities indicate that migration from the countryside has been higher than this figure. Although this urbanization is also accounted for in part by voluntary migration for economic or educational reasons also related to the conflict, the figure given by a former M.P. from the region--560,000--appears to be the most credible estimate of those forcibly evacuated. At the request of Republican Peoples' Party (CHP) M.P. Algan Hacaloglu, a former human rights monitor, a parliamentary committee was formed to investigate the causes of displacement and status of the displaced. It began work in July.

Government programs to deal with and compensate the forcibly evacuated villagers remain inadequate. Local and provincial officials are nevertheless making efforts to address the basic needs of some migrants. The governor of Diyarbakir, for example, opened a newly constructed neighborhood of 500 houses to resettlement by migrant families. The governor of Van resettled 257 migrant families in a new neighborhood in the provincial capital. A free "restaurant" run by the Van governor's office feeds nearly 1,000 migrants daily. In several provinces, officials provided looms for use by unemployed women. The rugs produced are then purchased by the Government for resale on the open market. Officials overseeing some of these programs acknowledge that funding is inadequate, and that much more needs to be done. Many migrants continue to live in overcrowded, unhealthy conditions with little opportunity for employment.

According to the Government, 7,608 persons were returned to 61 villages in the southeast during the year. The Foreign Ministry noted that some displaced persons chose to resettle in urban areas and are receiving assistance there. The Government initiated in 1996 an "emergency support program" to expedite resettlement in the southeast. The funds are used for rebuilding homes and roads, as well as for animal husbandry and beekeeping programs. Human rights activists criticize government efforts as inadequate in relation to the number of forcibly displaced persons.

There are credible allegations that serious abuses by security forces during the course of operations against the PKK continue. The Government organizes, arms, and pays for a civil defense force in the region known as the village guards. Local villagers' participation in this paramilitary militia is theoretically voluntary, but they are sometimes caught between the two sides. If the villagers agree to serve, the PKK may target them and their village. If the villagers refuse to participate, government security forces may retaliate against them and their village. The village guards have a reputation for being the least trained and disciplined of the Government's security forces and have been accused repeatedly of corruption, common crimes, and human rights abuses. In addition to the village guards, the Jandarma and police "special teams" are viewed as those most responsible for abuses.

The Government state of emergency, modified and most recently renewed for 4 months in November, imposes stringent security measures in six provinces in the southeast. The regional governor for the state of emergency may censor news, ban strikes or lockouts, and impose internal exile. The decree also

provides for doubling the sentences of those convicted of cooperating with separatists. Informants and convicted persons who cooperate with the state are eligible for rewards and reduced sentences. Only limited judicial review of the state of emergency governor's administrative decisions is permitted.

Although schools have remained open in most urban centers in the southeast, rapid migration has led to severe overcrowding of schools and chronic teacher shortages. The PKK policy of murdering teachers exacerbated the situation (see Section 1.a.). Government officials claim that a significant effort is being made both to reopen schools and to build new schools in regions faced with acute overcrowding. According to government figures, 3,223 primary schools remain closed in 22 provinces in the east and southeast for security reasons or because of a teacher shortage. No secondary schools are closed. Although the Government continues to build boarding schools in the region's larger towns, these new schools have failed to fill the gap. A total of 88 boarding schools were completed with a total capacity of 49,614 students. Additional boarding schools numbering 38 are under construction. Some ethnic Kurdish leaders expressed concern that the government favored building boarding schools, rather than rebuilding local schools, as a way to accelerate the process of Kurdish assimilation.

Turkish ground forces with air support conducted several operations during the year in northern Iraq against the PKK. According to press reports, in May the Government sent between 25,000 and 50,000 troops into northern Iraq, and in September sent an estimated 8,000 to 15,000 ground troops and warplanes. In November Turkish forces joined local Iraqi Kurd forces of the Kurdistan Democratic Party (KDP) in pitched battle against the PKK and forces of another Iraqi Kurd group, the Patriotic Union of Kurdistan (PUK). During all these operations, PKK forces were reported by several sources to have attacked local civilians and damaged civilian property. Additional details are in the Iraq country report. The Turkish military strictly limited press access to the region during these operations. A report filed by a group granted controlled access to the Zap Valley area in northern Iraq, along with reports obtained from Kurdish and U.N. sources, suggest that the security forces minimized civilian casualties. The Patriotic Union of Kurdistan (PUK), charged that the Turkish military targeted villages in several of these operations, but these charges were not confirmed by other observers on the scene. The Turkish Government maintained that it targeted only the PKK in northern Iraq, not any other groups or civilians.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, the Government continued to limit these freedoms. The Criminal Code provides penalties for those who "insult the President, the Parliament, and the army." Numerous other provisions in various laws restrict freedom of expression to one degree or another; those most frequently employed include Article 8 of the Anti-Terror Law and Article 312 of the Criminal Code. Judges generally examine evidence rigorously and dismiss many charges brought under these laws.

Domestic and foreign periodicals providing a broad spectrum of views and opinions are widely available. Government censorship of foreign periodicals is very rare. While overall readership of the local press is not large for a country of 60 million, the newspaper business is intensely competitive.

Electronic media reach nearly every adult, and their influence is correspondingly great. Radio and television have experienced explosive growth in the 6 years since privately owned broadcasting has been allowed: as of October, over 230 local, 15 regional, and 15 national television stations--the majority private--were registered, along with 1,056 local, 108 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. In 1994 Parliament passed regulatory

legislation making it illegal for broadcasters to threaten the country's unity or national security and limiting the private broadcast of television programs in languages other than Turkish. The increasing availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. In some areas of the southeast, security forces have systematically confiscated private satellite dishes in order to prevent viewing of pro-PKK MED-TV. This policy was applied selectively in migrant neighborhoods of Adana. Internet use is growing and faces no government restrictions.

Despite the Government's restrictions, the media daily criticize government leaders and policies. Media coverage of the situation in the southeast tended to be unreliable, underreporting it in some instances and sensationalizing it in others. Government Decree 430 gives the Interior Ministry upon the request of the regional governor the authority to ban distribution of any news viewed as misrepresenting events in the region, leading to self-censorship of news reporting from or about the southeast. In the event that such a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses.

Two weeks after assuming office, to signal the new Government's commitment to freedom of expression, the Prime Minister, Deputy Prime Minister, Foreign Minister, and President Demirel each received a delegation from the CPJ. Immediately thereafter, the Government won passage of a law granting probationary amnesty to editors imprisoned under a press law still in existence that permits prosecutors to seek a court order for the confiscation of a newspaper or magazine and requires that each publication's "responsible editors" bear legal responsibility for the publication's content. The new law granted a full pardon to the responsible editors if they did not commit the same crime within 3 years. If they are convicted of the same crime during this probationary period, then they must serve sentences for both convictions. Under the August law, six imprisoned editors received a provisional amnesty; however, many others remain imprisoned.

Ismail Besikci served 10 years in prison between 1971 and 1987 for his publications on the Kurdish situation in Turkey. He has been in prison since 1993 on a variety of new charges based upon his ongoing articles on Kurdish issues. SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals, although many continue to circulate. The pro-PKK newspaper Ozgur Ulke, and its successors Yeni Politika and Demokrasi, resumed publication in June as Ulkede Gundem. The newspaper has been increasingly difficult to find on newsstands in the southeast; the newspaper's distributor in Diyarbakir has been detained repeatedly, and copies have been confiscated by the Jandarma. In Adana, however, the newspaper appears regularly. Offices of small leftist publications are frequently raided by the police in the southeast.

Individual journalists are subject to harassment and police violence. In December the Committee to Protect Journalists listed 40 journalists under imprisonment.

In April Sanar Yurdatapan, a well-known musician and spokesman for freedom of expression, was arrested at the Istanbul airport with false passports destined for two former PKK members. According to Yurdatapan, after these two individuals served their sentences for ties to the PKK, they became agents for the Turkish security forces and later contacted Yurdatapan to give him information about acts including political murder that they had carried out on behalf of the State. Yurdatapan claimed to have videotapes of interviews and photographs of the men in military uniforms to substantiate his charges. He remains free pending the outcome of his SSC trial in Istanbul on charges of harboring members of an illegal organization.

According to Human Rights Watch, the case of three journalists arrested in June exemplified the arbitrary and contradictory nature of the repression of free expression. Two journalists from the now-

defunct Demokrasi newspaper and the Diyarbakir correspondent from the ATV television station were arrested in June for interviewing two former PKK members alleged to have taken part in killings and illegal activities on behalf of the State. The three journalists were charged with forcing the pair to make the statements "in accord with the goals of the PKK." The men, however, made the same statements without incident to two other newspapers, two television programs, including Mehmet Ali Birand's "32nd Day," and to a parliamentary commission investigating the 1993 death-squad style killing of journalist Ugur Mumcu. A similar case occurred with the Turkish-language edition of Leo Muller's book, "Gladio: The Legacy of the Cold War," originally published in Germany. While Pencere publishing, a small Istanbul publishing house, released the first edition without incident, the second edition of the book published in February was confiscated, and both the publisher and translator were tried under Article 312 and the Anti-Terror Law. In September they were given a suspended sentence on the Article 12 charge and fined under the Anti-Terror Law. Both sentences have been appealed.

The authorities have suspended for a period of 3 years the case against some 1,080 writers and others for their support for novelist Yasar Kemal. In 1995 Kemal wrote an article entitled "Black Sky Over Turkey," which was published in a German news magazine and later reprinted in Turkey in a book entitled "Freedom of Expression," in which he ironically criticized the Government for its censorship relating to the Kurdish question. His appeal continues. In March Ertugrul Kurkcu and Ayse Nur Zarakolu, respectively the translator and publisher of a 1995 report by the Human Rights Watch Arms Project, "Weapons Transfers and Violations of the Laws of War in Turkey," were found guilty under Article 159 of the Penal Code of "defaming the state's security and military forces." Zarakolu and Kurkcu were both fined approximately \$12, while Kurkcu received a 10-month suspended sentence.

In December Sukru Kazratepe, mayor of Kayseri, was sentenced to a year in prison under law 5816 for reportedly insulting Ataturk, the founder and first president of the Turkish republic. He criticized his required attendance at annual commemoration ceremonies on the death of Ataturk.

Esber Yagmurdereli, a blind human rights activist and respected lawyer, was convicted in May of promoting Kurdish separatism on the basis of public assertions that the ethnic Kurdish minority is oppressed. In October he was remanded into custody to begin serving a 22-year sentence, but in November, a prosecutor released him for a year subject to renewal upon review.

According to press reports, a youth organization of the True Path Party (DYP) appeared to be responsible for the May 2 armed raid on the Istanbul studios of Flash TV, which the preceding day had broadcast live "phone in" accusations by alleged Mafia chief Alaattin Cakici that then-deputy Prime Minister Tansu Ciller and her husband were involved in criminal activities. The temporary shutdown of the station's Bursa headquarters on May 3 was conducted on behalf of the Wireless Communications Directorate of the Ministry of Transportation, headed by a Ciller loyalist. On May 7, the Radio and Television Supreme Board imposed a 2-day suspension on the station for broadcasting "scandalous remarks" about Ciller.

In November Erol Anar, a writer and former HRA secretary general received a suspended sentence of 10 months imprisonment for the publication of his book "freedom of thought," in which he allegedly insulted the parliament, government, and security forces. In a separate case, the Istanbul SSC acquitted Anar of violating the Anti-Terror Law by publishing his book "The History of Human Rights," which reportedly was critical of Turkey.

In May, with Refah's Erbakan still Prime Minister, the chief state prosecutor, in an attempt to close down Refah, charged the party and five of its leaders, including Erbakan, with attempting to undermine the secular nature of the state based in part on public statements made by the Refah leaders. In January 1998, the court closed the party and banned six Refah leaders, including former Prime Minister Erbakan,

from political activity for 5 years.

Seven pro-Kurdish former DEP M.P.'s and one independent M.P., convicted in 1994 on charges ranging from disseminating separatist propaganda to supporting or being a member of an armed band or gang, appealed their sentences in 1995. The 15-year sentences of four of the defendants for being members of a terrorist group were upheld. In November the European Court of Human Rights (ECHR) found unanimously that the Government had violated Article 5-3 (excessive detention of 12 to 14 days) of the European convention on human rights in the case of several pro-Kurdish former DEP Members of Parliament (M.P.'s) and ordered the Government to pay the M.P.'s compensation and court costs. The ECHR did not rule on the M.P.'s' appeal of their convictions on charges of separatism and membership in a terrorist organization. The Court overturned the sentences of the other four in 1995, but they were retried and found guilty in April 1996 on the revised Article 8 charges. In September 1996 the Court upheld these sentences on appeal. These four defendants also plan to appeal to the European Commission of Human Rights; the Government pledged to abide by its decision. In 1996 the Ankara SSC prosecutor charged Mehmet Emin Sever, Mahmut Uyanik, and Muzaffer Demir, former DEP M.P.'s, with assisting the PKK, and former CHP M.P. Abdulkemir Zilan with producing separatist propaganda. The charges stem from a 1991 incident during which the accused publicly termed the parliamentary swearing-in oath as "racist, chauvinistic, antidemocratic, and a violation of human rights." Additionally, during the swearing-in ceremony the three defendants wore handkerchiefs in colors associated with the PKK. The three left the DEP party prior to its being banned in 1994 and remained in Parliament as independents until their terms expired in 1995. Until that time, they had parliamentary immunity and could not be tried for alleged offenses. The delay of a year between the end of the defendants' terms in Parliament and the bringing of charges is not considered unusually long, given the sensitive nature of the case. If convicted, they could face prison terms ranging from 4½ to 7 years. Zilan faces a prison term of 1 to 3 years. The case continues.

In June the Ankara SSC ruled against members of the pro-Kurdish HADEP, including party chairman Murat Bozlak, based on an incident at the party's 1996 convention in Ankara, during which the Turkish flag was torn down and replaced by a PKK banner. The court sentenced Faysal Akcan, who reportedly took down the flag, to 22½ years in prison; Bozlak and party convention chairman Hikmet Fidan each were sentenced to 6 years' imprisonment, while 29 other officials and party members received 6½-month sentences. The defendants plan to appeal the verdict. Of the original defendants, 14 were acquitted. The court also found evidence linking HADEP to the PKK.

Between 1995 and 1997, former independent M.P. Hasan Mezarci faced some 10 charges for insulting modern Turkey's founder, Kemal Ataturk, the military, the Government, and the Parliament. He was acquitted on some of the charges, served prison terms for others, and now is serving a 10-month sentence at Istanbul's Metris prison for insulting Parliament.

Kurdish-language cassettes and publications on Kurdish subjects continued to be available, although periodic suppression of the media continued. The Kurdish-language weekly, Azadiya Welate, and some 10 other publications were available only on an infrequent basis. As a result of state intimidation and economic pressure, Diyarbakir-based Can-TV ended its brief experiment in Kurdish-language broadcasting. Over the past 2 years, Can-TV has tested the legal ban on broadcasting in Kurdish by airing Kurdish-language music clips. The station also attempted to present independent news programs on the southeast as well as panel discussions on regional problems, especially the Kurdish issue. Although the news programs were in Turkish, their content angered local officials: two investigations against Can-TV were begun at the SSC, and the station was threatened with closure by the Broadcasting Board. The final action that contributed to the end of Can-TV's broadcasting came when the station manager was forced to sell many of his shares in the station because of newly adopted antimonopoly legislation. Some potential customers are afraid to purchase Kurdish-language materials because

possession of such items may be interpreted as evidence of PKK sympathies. Kurdish-language broadcasts are still illegal. A group of academics, however, began a series of radio call-in programs to discuss problems and solutions in the southeast.

In December the Broadcasting Board penalized a number of private radio and television stations for alleged violations of broadcast regulations. Two Kurdish-based radio stations, Karacadaga Radyo in Sanliurfa and Radio Arkadas in Adana, were among those ordered off the air for temporary periods. Both stations occasionally play Kurdish songs and have broadcast news reports (in Turkish) critical of the Government. Karacadaga Radyo alleges that Sanliurfa authorities have banned 13 Kurdish music cassettes from being broadcast, thus reducing the list of Kurdish songs played by Karacadaga Radyo to fewer than 10. In June privately-owned Metro TV in Diyarbakir was ordered off the air for 30 days for inciting ethnic hatred by televising a panel discussion on democratization and the Kurdish issue. Pro-PKK Med TV, based in Belgium and England, broadcasts via Intelsat and can be received by satellite dish in the southeast.

In January the Turkish Industrialists and Businessmen's Association (TUSIAD) issued a lengthy report with a wide range of democratization recommendations for legislative and constitutional reform. The report stimulated political debate; it was both commended and criticized extensively by many segments of society. In April a group of Turkish and Kurdish academics, politicians, and intellectuals initiated a series of nationwide panel discussions on the Kurdish problem and its possible solutions. Despite minor police attention, the group continued to explore explicitly nonviolent solutions within a democratic context, especially in the largely Kurdish southeast. Academics continued to publish articles and papers on the Kurdish issue without government interference. The Sanliurfa branch of the Mesopotamian Cultural Center, a corporation established to promote Kurdish language and culture, was banned in October by the provincial governor. In Istanbul the Governor's office refused the Kurdish Culture and Research Foundation permission to offer Kurdish language classes.

In August Parliament passed legislation necessary to implement a 1995 constitutional amendment permitting student and faculty associations and labor union involvement in political activities.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but authorities may deny permission if they believe that the gathering is likely to disrupt public order. Prior notification of gatherings is required, and the authorities may restrict meetings to designated sites.

In May the Human Rights Association sought to host in Ankara an international conference on the peaceful settlement of the Kurdish problem in Turkey. The Ankara provincial governor banned the conference on the grounds that it risked provoking a climate of intolerance but permitted individuals, including some parliamentarians and former government officials, to gather informally.

According to the HRF, some 2,000 people sought to attend one of the court sessions of the Metin Goktepe trial (see Section 1.a.); however, due to the physical limitations of the court, many were unable to be admitted. Subsequently, around 100 of these people were interrogated for staging an unauthorized public demonstration outside the court.

The Constitution provides for freedom of association, but associations and foundations must submit their charters for government approval, a lengthy and cumbersome process.

c. Freedom of Religion

The Constitution establishes Turkey as a secular state and provides for freedom of belief, freedom of worship, and private dissemination of religious ideas. The Government generally observed these provisions in practice. About 99 percent of the population is Muslim. Under the law, religious services may take place only in designated places of worship. Although Turkey is a secular state, religious instruction in state schools is compulsory for Muslims. Upon written verification of their non-Muslim background, Lausanne Treaty minorities (Greek, Armenian, and Jewish) are exempted by law from Muslim religious instruction, although students who wish to attend may do so with parental consent. Syriac Christians are not exempt because they are not an official Lausanne Treaty minority.

Tarikats and other mystical Sunni Islamic orders were banned in the 1920's, but were largely tolerated until recently. On February 28, the National Security Council (NSC), a half-military, half-civilian body entrusted in part with responsibility "for protecting the state against any foreign or domestic threat to its interests" called for strict enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism. Some Tarikats, like members of the Aczimendi Brotherhood, have faced legal action for their vocal public demonstrations.

At the formal urging of the NSC, the Yilmaz Government introduced and Parliament passed a law that will lead to the closure of grades six through eight of the Islamic imam-Hatip schools in existence since 1950, along with other private schools. This action will affect over 500 state-supported imam-Hatip schools. Under the new law, students will have to wait until the completion of their 8 years in order to pursue regular study at the imam-Hatip schools. Although new enrollments in those grades have been terminated, children already in those classes are allowed to finish their grades. Amendments to administrative procedures were made that will allow students completing 5 years of primary school to enroll in Koran classes on weekends and summer vacations. For many weeks Islamists staged protests against the law on the imam-Hatip schools outside mosques after Friday prayers.

Turkey's Alawi Muslim minority (an offshoot of Shi'ite Islam) is estimated to number at least 12 million. There are, however, no government-salaried Alawi religious leaders, in contrast to Sunni religious leaders. In December, nonetheless, the Government allocated \$15 million (3 trillion TL) to the Alawi community. Some Alawis allege discrimination in the form of failure to include any Alawi doctrines or beliefs in religious instruction classes. Alawis charge a Sunni bias in the Religious Affairs Directorate, and claim that the Directorate tends to view the Alawis as a cultural rather than a religious group. Sunni Islamic political activists, however, charge the secularist state favors, and is under the influence of, the Alawis.

Many prosecutors regard proselytizing and religious activism on the part of either Islamists or evangelical Christians with suspicion, especially when they deem such activities to have political overtones. Since there is no law explicitly prohibiting proselytizing, police sometimes arrest Islamists or evangeli